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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/705,352 | 11/10/2003 | Kuo Kuang Lin | USP2155T-CE | 4631 |

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| EXAMINER | |
|---|---|
| HAN, JASON | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2875 | |

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/705,352 | LIN, KUO KUANG | |
| | Examiner | Art Unit | |
| | Jason M Han | 2875 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *10 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☒ Claim(s) *8* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 November 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "301" has been used to designate both the main light chamber and light enhancing chamber (Page 6, 1 ¶). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

2. The disclosure is objected to because of the following informalities:

a. Page 1, Line 17: grammatical error – "lights";

b. Page 1, Line 22: grammatical error – "a light effect can be enhanced the aesthetic appearance of the room";

c. Page 1, Line 23: grammatical error – "light effect is a needed";

d. Page 1 – 2: Please rewrite the following amendments by the examiner – "Accordingly, in order to provide an added light effect, the ceiling light ~~must~~ could incorporate ~~with~~ more than one light source such that one of the light sources is

~~mainly~~ arranged for illumination while another light source provides a soft light intensity for enhancing the aesthetic light appearance. However, such dual light source arrangement has several drawbacks";

e. Page 2, Line 3: grammatical error – "lights";

f. Page 2, Line 4: grammatical error – "produces";

g. Page 2, Line 8: syntactical error – "so as to substantially increase the overall size of the ceiling light";

h. Page 2, Lines 15-16: Please rewrite to read – "Therefore, there is conflict between illumination and decoration for the ceiling light";

i. Page 6, Line 17: grammatical error – "shaped";

j. Page 6, Line 23: grammatical error – "shaped";

k. Page 8, Line 4: grammatical error – "lights".

Appropriate correction is required.

### *Claim Objections*

3. Claim 8 is objected to because of the following informalities: Line 4 of the claim – frame is misspelled. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by McCarthy et al. (U.S. Patent 6042251).

With regards to Claim 1, McCarthy discloses a ceiling fixture having:

i. A ceiling support frame adapted for securely mounting on the ceiling [Figures 3, 5: (28)];

ii. A light source [Figures 3, 5, 7: (180)] that is arranged for electrically connecting to a power supply [Figure 3: (38, 40); Column 6, Lines 53-56] and is supported by the ceiling support frame [Figures 3, 5, 7; Column 2, Lines 64-67];

iii. A light casing [Figure 5: (216)] that is mounted underneath the ceiling support frame having a main light chamber wherein the light source is disposed [Figure 5: (180)], and a light enhancing chamber [Figure 5: (60)] that is formed between the light casing and ceiling support frame and communicating with the main light chamber, whereby light is directed within the main light chamber to the outside through the light casing and radially via the light enhancing chamber in providing an added light effect [Figure 5 chosen as the reference over Figure 3 due to the reflector (184)].

It should be noted that the above limitation is vague in defining what the light effect is and have been interpreted broadly [MPEP 2111], whereby the reference teaches a polycarbonate lens base, which meets the criteria in providing an effect on the light [Column 3, Lines 29-31, 50].

5. With regards to Claim 2, McCarthy teaches a light casing having a light dispersing housing [Figure 3: (144)] defining the main light chamber therein [Column 7, Lines 54-63], and a light enhancing frame [Figure 3: (60)] having a surrounding wall coaxially extending from the ceiling support frame to the light dispersing housing and further defining the light enhancing chamber therein [Figure 3: (56)].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 3, 4, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy et al. (U.S. Patent 6042251) in view of Tsuji et al. (U.S. Patent 6450658).

7. With regard to Claims 3, 4, and 11, McCarthy teaches a ceiling fixture with a light enhancing frame as cited above.

McCarthy does not teach the frame having a plurality of light enhancing windows spatially formed on the surrounding wall whereby light is projected from the main light chamber and radially dispersed to the outside via the light enhancing windows.

Tsuji discloses a ceiling fan with a light assembly wherein an upper shaped bowl housing [Figure 2: (18)] has an annular array of openings [Figure 2: (26)] in which are mounted translucent windows [Figure 2: (27)], whereby light radiating from an upper light assembly passes through. Tsuji further teaches the array of windows [see

Abstract] having though grooves [Figure 2: (26)] for radially dispensing and providing a benefit of diffusing the light, which is functionally equivalent to softening a light [Column 3, Lines 29-32].

It would have been obvious to modify the light enhancing frame of McCarthy to incorporate the translucent windows of Tsuji in order to provide different illuminating orientations and an aesthetic appeal to consumers and light enthusiasts.

8. With regards to Claim 14, McCarthy teaches the baseplate of the fixture having an integral ballast heat sink [Column 2, Lines 51-52] and also provided with a urethane powder coat finish in providing 90% reflectivity [Column 3, Lines 9-11]. The baseplate of the fixture is also "formulated, designed and engineered to accommodate the most efficient and innovative ballasts currently manufactured in the United States [Column 2, Lines 65-67]."

9. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy et al. (U.S. Patent 6042251) as applied to Claim 2 above, and further in view of Evans, Jr. et al. (U.S. Patent 4974137).

McCarthy teaches a ceiling fixture with a light enhancing frame as cited above. McCarthy further teaches the frame coaxially extending from the ceiling support frame [Figure 3: (46)] to couple with the light dispersing housing via a retaining rim [Figure 9: (52)], wherein the light enhancing frame has a diameter gradually reducing from the ceiling support to the light dispersing housing.

McCarthy does not teach the retaining rim being coaxially and inwardly extending between the main light chamber and the light enhancing chamber. However, it is

obvious that employing an inward extension to obstruct a light's path is a design preference and a matter of desired optical control for the fixture. With respect to the light intensity, it is also obvious that the disposition of the light source would affect the intensity, whereby a disposition in the main chamber would provide a greater illumination than in the light enhancing chamber, and vice versa. It is again a matter of design preference and optics, which is commonly seen in the art via indirect lighting means.

Evans, Jr. teaches an indirect light fixture employing such an obstruction wherein there is a main light chamber [Figure 3: inner portion] with greater light intensity than a light effect chamber [Figure 3: outer portion]. It should be noted that due to the disposition of the light source within the main chamber, it is inherent that the area would receive the brunt of the illumination

It would have been obvious to modify the ceiling fixture of McCarthy to incorporate the indirect lighting taught by Evans, Jr., in order to provide greater illumination control for the ceiling fixture. It is also obvious that disposing the light source of McCarthy closer to the light casing would ensure a higher intensity on said casing.

10. Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy et al. (U.S. Patent 6042251) in view of Tsuji et al. (U.S. Patent 6450658) as applied to Claim 3 above, and further in view of Evans, Jr. et al. (U.S. Patent 4974137).

McCarthy in view of Tsuji teach a ceiling fixture with a light enhancing frame as cited above. McCarthy teaches the frame coaxially extending from the ceiling support

frame [Figure 3: (46)] to couple with the light dispersing housing via a retaining rim [Figure 9: (52)], wherein the light enhancing frame has a diameter gradually reducing from the ceiling support to the light dispersing housing.

Neither McCarthy nor Tsuji teach the retaining rim being coaxially and inwardly extending between the main light chamber and the light enhancing chamber. However, it is obvious that employing an inward extension to obstruct a light's path is a design preference and a matter of desired optical control for the fixture. With respect to the light intensity, it is also obvious that the disposition of the light source would affect the intensity, whereby a disposition in the main chamber would provide a greater illumination than in the light enhancing chamber, and vice versa. It is again a matter of design preference and optics, which is commonly seen in the art via indirect lighting means.

Evans, Jr. teaches an indirect light fixture employing such an obstruction wherein there is a main light chamber [Figure 3: inner portion] with greater light intensity than a light effect chamber [Figure 3: outer portion]. It should be noted that due to the disposition of the light source within the main chamber, it is inherent that the area would receive the brunt of the illumination

It would have been obvious to modify the ceiling fixture of McCarthy with the translucent windows of Tsuji to further incorporate the indirect lighting taught by Evans, Jr., in order to provide greater illumination control for the ceiling fixture. It is also obvious that disposing the light source of McCarthy closer to the light casing would ensure a higher intensity on said casing.

11. Claims 7, 10, 12, 13, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy et al. (U.S. Patent 6042251) in view of Tsuji et al. (U.S. Patent 6450658) as applied to Claim 4 above, and further in view of Evans, Jr. et al. (U.S. Patent 4974137).

12. With regard to Claims 7 and 10, McCarthy in view of Tsuji teach a ceiling fixture with a light enhancing frame as cited above. McCarthy teaches the frame coaxially extending from the ceiling support frame [Figure 3: (46)] to couple with the light dispersing housing via a retaining rim [Figure 9: (52)], wherein the light enhancing frame has a diameter gradually reducing from the ceiling support to the light dispersing housing.

Neither McCarthy nor Tsuji teach the retaining rim being coaxially and inwardly extending between the main light chamber and the light enhancing chamber. However, it is obvious that employing an inward extension to obstruct a light's path is a design preference and a matter of desired optical control for the fixture. With respect to the light intensity, it is also obvious that the disposition of the light source would affect the intensity, whereby a disposition in the main chamber would provide a greater illumination than in the light enhancing chamber, and vice versa. It is again a matter of design preference and optics, which is commonly seen in the art via indirect lighting means.

Evans, Jr. teaches an indirect light fixture employing such an obstruction wherein there is a main light chamber [Figure 3: inner portion] with greater light intensity than a light effect chamber [Figure 3: outer portion]. It should be noted that due to the

disposition of the light source within the main chamber, it is inherent that the area would receive the brunt of the illumination

It would have been obvious to modify the ceiling fixture of McCarthy with the translucent windows of Tsuji to further incorporate the indirect lighting taught by Evans, Jr., in order to provide greater illumination control for the ceiling fixture. It is also obvious that disposing the light source of McCarthy closer to the light casing would ensure a higher intensity on said casing.

13. With regard Claims 12 and 13, Tsuji teaches the translucent windows providing a benefit of diffusing the light, which is functionally equivalent to softening a light [Column 3, Lines 29-32].

14. With regard to Claims 15 and 16, McCarthy teaches the baseplate of the fixture having an integral ballast heat sink [Column 2, Lines 51-52] and also provided with a urethane powder coat finish in providing 90% reflectivity [Column 3, Lines 9-11].

15. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy et al. (U.S. Patent 6042251) as applied to Claim 2 above, and further in view of Jaffari et al. (U.S. Patent 6478454).

McCarthy teaches a ceiling fixture with a light enhancing frame as cited above.

McCarthy does not teach the frame having a light dispensing groove formed between an upper surrounding edge of the surrounding wall and the ceiling support frame, whereby light traverses through the light enhancing chamber to the outside of the fixture via the grooves.

Jaffari teaches an adjustable uplight luminaire with an adjustable reflector, wherein an upper section has grooves [Figures 1, 2, 6: (40, 45)] through which light passes through.

It would have been obvious to modify the light enhancing frame of McCarthy to incorporate the upper section with grooves of Jaffari, in order to provide illumination outwardly upwardly, as well as a means for heat dissipation through the openings.

16. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy et al. (U.S. Patent 6042251) in view of Jaffari et al. (U.S. Patent 6478454) as applied to Claim 17 above, and further in view of Evans, Jr. et al. (U.S. Patent 4974137).

With regard to Claims 18 and 19, McCarthy in view of Jaffari teach a ceiling fixture with a light enhancing frame as cited above. McCarthy further teaches the frame coaxially extending from the upper surrounding edge [Figure 3: (46)] to couple with the light dispersing housing via a retaining rim [Figure 9: (52)], wherein the light enhancing frame has a diameter gradually reducing from the upper surrounding edge to the light dispersing housing.

Neither McCarthy nor Jaffari teach the retaining rim being coaxially and inwardly extending between the main light chamber and the light enhancing chamber. However, it is obvious that employing an inward extension to obstruct a light's path is a design preference and a matter of desired optical control for the fixture. With respect to the light intensity, it is also obvious that the disposition of the light source would affect the intensity, whereby a disposition in the main chamber would provide a greater

illumination than in the light enhancing chamber, and vice versa. It is again a matter of design preference and optics, which is commonly seen in the art via indirect lighting means.

Evans, Jr. teaches an indirect light fixture employing such an obstruction wherein there is a main light chamber [Figure 3: inner portion] with greater light intensity than a light effect chamber [Figure 3: outer portion]. It should be noted that due to the disposition of the light source within the main chamber, it is inherent that the area would receive the brunt of the illumination

It would have been obvious to modify the ceiling fixture of McCarthy with the grooves of Jaffari to further incorporate the indirect lighting taught by Evans, Jr., in order to provide greater illumination control for the ceiling fixture. It is also obvious that disposing the light source of McCarthy closer to the light casing would ensure a higher intensity on said casing.

17. With regards to Claim 14, McCarthy teaches the baseplate of the fixture having an integral ballast heat sink [Column 2, Lines 51-52] and also provided with a urethane powder coat finish in providing 90% reflectivity [Column 3, Lines 9-11]. The baseplate of the fixture is also "formulated, designed and engineered to accommodate the most efficient and innovative ballasts currently manufactured in the United States [Column 2, Lines 65-67]."

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references have been cited to further show the state of the art pertinent to the current application:

U.S. Patent 2196214 to Kantack;

U.S. Patent 2680841 to Boutelle;

U.S. Patent 3329812 to Harling;

U.S. Patent 3836766 to Auerbach;

U.S. Patent 4472767 to Wenman;

U.S. Patent 4507719 to Quiogue;

U.S. Patent 4858091 to Fouke;

U.S. Patent 4870551 to Nagel;

U.S. Patent 5174648 to Clary et al.;

U.S. Patent 5251118 to Budnovitch et al.;

U.S. Patent 5363293 to Lasker;

U.S. Patent 5434765 to Kelly et al.;

U.S. Patent 5772314 to Brumer;

U.S. Patent 5797721 to Yu;

U.S. Patent 5820247 to Schuler;

U.S. Patent D406672 to Chen;

U.S. Patent D411644 to Chen;

U.S. Patent 6027231 to Fouke;

U.S. Patent 6033093 to Latsis et al.;

U.S. Patent D426339 to Chen;

U.S. Patent 6511211 to Karambelas;

U.S. Patent 6623138 to Hsu.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMH

JOHN ANTHONY WARD
PRIMARY EXAMINER